

REMARKS

Amendments to the claims

Claims 1-13 are pending in the application. With this response, claims 1, 7 and 9 are amended, and claims 2-6, 8 and 10-13 are canceled.

A. 35 U.S.C. § 101

Claims 1-6 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of co-pending Application No. 11/089451.

Claims 7-10 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-12 of co-pending Application No. 11/089451.

The Applicants request withdrawal of the above provisional rejections as allowed under MPEP § 804, subsection I.B.1, thereby leaving the double-patenting rejections in the later filed Application No. 11/089451. A copy of MPEP § 804, I.B.1 is enclosed herein for the Examiner's reference.

B. 37 CFR 1.75 Duplicate Claims

1. Claims 2-6 stand objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1. The Applicants do not agree, but have canceled claims 2-6, thus obviating this objection.

2. Claim 8 stands objected to under 37 CFR 1.75 as being a substantial duplicate of claim 7. The Applicants do not agree, but have canceled claim 8, thus obviating this objection.

C. 35 USC 112, first paragraph

Claim 11 stands rejected under 35 USC 112, first paragraph for failing to comply with the enablement requirement. Applicants disagree, however, in the interest of passing this case to issue, have canceled Claim 11, thus obviating this rejection.

D. 35 USC 112, second paragraph

Claims 1-13 stand rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. Claim 1 is amended to include a period at the end and recite and show diethylenetriamine compounds.
2. Claim 2 is canceled, thus obviating the rejection to this claim.
3. Claim 7 is currently amended to recite and show diethylenetriamine compounds.
4. Claim 9 depends on claim 7 and therefore is amended to recite and show diethylenetriamine compounds.
5. Claims 8 and 10 are canceled, thus obviating the rejection to these claims.
6. Claims 11-13 are canceled, thus obviating all rejections to these claims.

E. 35 USC 102(b)

Claims 1-6 stand rejected under 35 USC 102(b) over Pandey et al. Claim 1 is currently amended to recite and show diethylenetriamine compounds which are not taught by Pandey et al, and more specifically are not compound #4, page 5046 of Pandey et al. The Applicants have canceled claims 2-5, and thus, request reconsideration of this 102(b) rejection of amended claim 1 in view of the differences cited.

F. 35 USC 102(a)

Claims 1-10 stand rejected under 35 USC 102(a) over Salunke et al. The authors of Salunke et al are the Applicants of the instant application. Accordingly, the Applicants intend to submit an affidavit under 37 CFR 1.132 to show derivation of the reference subject matter from Applicants and invention by Applicants.

G. CONCLUSION

Applicants respectfully submit that all conditions of patentability are met in the pending claims as amended. All amendments herein are made without prejudice. All claim

amendments have been made for clarification and not for patentability. The Examiner is respectfully requested to pass the application to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to:
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June 8, 2006
(Date of Transmission)

Aileen Shrestha
(Name of Person Transmitting)

Aileen Shrestha
(Signature)

6/8/06
(Date)

Respectfully submitted,

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Enclosures: MPEP § 804, I.B.1 (2 pages)
Petition 37 C.F.R. § 1.136 (a)
Check for \$1020.00